

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

RICHARD JOSE DUPREE, JR.,) Case No.: 1:23-cv-0086 JLT GSA (PC)
Plaintiff,)
v.) ORDER ADOPTING FINDINGS AND
HORN, et al.,) RECOMEMNDATIONS IN FULL, DISMISSING
Defendants.) THE ACTION WITHOUT PREJUDICE, AND
) DIRECTING THE CLERK TO CLOSE THIS CASE
) (Doc. 10)
)
)

Richard Jose Dupree, Jr. is a prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 19, 2023, the magistrate judge found Plaintiff failed to comply with a court order, and recommended the action be dismissed without prejudice. (Doc. 10 at 1-3.) The Findings and Recommendations were served at the only known address for Plaintiff, and contained a notice that any objections were due no later than June 9, 2023. (*Id.* at 2-3.) However, the Findings and Recommendations were returned to the Court on May 26, 2023, with the notation “Undeliverable, Return to Sender, Refused, Unable to Forward.” To date, Plaintiff has neither responded to the Court’s orders nor filed a notice of a change of address.

Pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, the Court performed a de novo review of this case. Having carefully reviewed the entire file, the Court concludes the Findings and

Recommendations are supported by the record and proper analysis. Moreover, the Court’s mail was returned as undeliverable on May 26, 2023. Pursuant to Local Rule 183(b), a notice of a change of address was due no later than July 28, 2023. Because Plaintiff failed to keep the Court informed of a proper mailing address, dismissal is also appropriate for his failure to comply with Local Rule 183(b). See e.g., *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with the local rule requiring pro se plaintiffs to keep court apprised of address). Thus, the Court **ORDERS:**

1. The Findings and Recommendations issued on May 19, 2023 (Doc. 10) are **ADOPTED** in full.
 2. This action is **DISMISSED** without prejudice.
 3. The Clerk of Court is directed to close this case.

IT IS SO ORDERED.

Dated: August 4, 2023

Jennifer L. Thurston
UNITED STATES DISTRICT JUDGE